



Senate of the Philippines

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Senator

Comments and Recommendations on the Eighth (May 18) Report on the Implementation of the Bayanihan Act (RA 11469)

20 May 2020

Here are our comments and recommendations on the measures currently being implemented to address the COVID-19 pandemic and mitigate its impact:

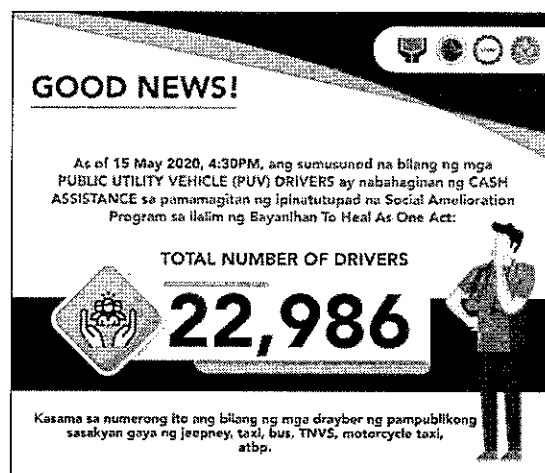
On Data Management and Disclosure

- We reiterate our request for accurate presentation of comparable key indicators in the Bayanihan Reports, as these are critical in assessing the weekly progress of the implementation of the Bayanihan Act and in guiding policymakers in adopting appropriate policies and actions.**
 - Discrepancies in Figures:** We note that some of the figures reported in the 8th Bayanihan Report do not tally with the submissions given by other agencies.
 - Contract Tracing Figures:* We note that the numbers of contacts traced reported in the 8th Bayanihan Report (i.e., 60,586) is different from the figure reported by the National Disaster Risk Reduction and Management Council (NDRRMC),¹ which shows a total of 158,707 close contacts.

		INCREASE/DECREASE	TOTAL
	CLOSE CONTACT	-3,886	158,707
	SUSPECTED CASES	276	17,872
	PROBABLE CASES	160	11,345
	CONFIRMED	526	11,876
	DEATHS	39	790
	RECOVERIES	231	2,337

¹ May 15 NDRRMC Report.

- *Beneficiaries under SAP for Drivers:* While LTFRB reported on its Facebook page that a total of 22,986 drivers have been given assistance as of May 15, the 8th Bayanihan Report provides that a total of 62,028² drivers have benefitted from the SAP for Drivers assistance program.



- **Non-inclusion in the Reports:** We note that some key data on the government's efforts are still not included in the 8th Bayanihan Report.
 - *Total and Distribution of Suspected and Probable Cases:* As previously raised, aside from the statistics on the number of confirmed COVID-19 cases, the number and distribution of suspected and probable cases³ are indicators of the impact, if any, of the community quarantines imposed across various LGUs in the country. In this light, we request that such figures be included in the government's official tracker and in the Bayanihan Reports, assigning DOH or the IATF as the official agency to announce it in public.⁴
 - *Number of LGUs with Contact Tracing Teams:* As previously raised, we also hope to know the number of LGUs that have organized their own contact tracing teams and the overall progress of DOH, PNP, and these LGU teams in tracing COVID-19 contacts. We have noted that there appears to be a gap in the contact tracing network of the government, and mere reliance to the StaySafe app may not be enough considering that a considerable number of our population may not have access to compatible phones, and even internet connectivity.

² We also hope to inquire whether the database published in the LTFRB website

(<https://drive.google.com/drive/folders/1qHGko-wjda18tskifGv8FHItnGODmirS>) is the basis for the 90,000 target beneficiaries.

³ PhilHealth Circular 2020-0009: A suspect case is a person who is presenting with any of the following conditions (i) all severe acute respiratory infection cases where no other etiology fully explains the clinical presentation, (ii) influenza-like illness cases with certain indications, and (iii) individuals with fever or cough or shortness of breath or other respiratory signs of symptoms fulfilling certain conditions. Meanwhile, a probable case is a suspect case whose COVID-19 is either not possible, inconclusive, or not conducted in an accredited laboratory

⁴ We note that the National Disaster and Risk Reduction Management Council (NDRRMC) publishes in its daily reports the total number of suspected and probable cases, which may or may not yet be validated.

- *Number and Distribution of Tricycle and Pedicab Drivers who were provided aid under the Emergency Subsidy Program:*⁵ Tricycle and pedicab drivers have been clearly affected by the ban on mass transportation. While the DSWD Memorandum Circular No. 09 (s. 2020) Omnibus Guidelines in the Implementation of the Emergency Subsidy Program cites them as part of the target SAP beneficiaries, there is no clear reporting on the actual number of pedicab and tricycle drivers who actually received subsidy. We reiterate our request for DSWD and DOLE to coordinate with each other to ensure that members of these informal sector workers are all given proper assistance.
- *Weekly Target PPEs Required by Facilities:* We have long requested to see a clear *weekly or monthly* target number of PPEs required by facilities. This is to better assess the shortage of PPEs, if any, especially considering that a material volume of PPEs are “pending allocation” or are kept in warehouses and have not been assigned to health facilities. We have noted in our previous comments that some hospitals are already reportedly re-using their PPEs.

2. We look forward to the release and/or wide dissemination of the following datasets/ data monitoring system, in addition to a summary integrated into the Bayanihan Reports:

- *Data on Financial Assistance to Formal and Informal Workers, and OFWs through the DOLE Online Monitoring System:* We hope that DOLE will be able to launch, as soon as possible, its online monitoring system, which provides real-time updates on the status of the implementation of their programs (e.g. with respect to individual DOLE programs, the number and regional distribution of establishments that applied for the program, the number of approved, denied or pending applications, the number of employees granted assistance, profile of the applicant or nature of work, their location, and the date of remittance of assistance, etc.). While we note that certain DOLE regional offices have posted on their Facebook page the list of CAMP beneficiaries, not all regions have done the same.
- *Harmonized or One-stop Website for All COVID-19 Loans and Non-SAP Assistance:* In this critical time, we hope to see in the government’s COVID-19 information portal a comprehensive list of available loans or financial assistance relevant to COVID-19 crisis adaptation, to centralize information and reach the maximum number of potential beneficiaries. We have noted that potential beneficiaries, especially in the province, are not well informed of these government programs.

⁵ We note that although tricycle and pedicab drivers are under the jurisdiction of their local governments, Section VI of the JMC No. 1 Series of 2020 lists them as among the target 18 million beneficiaries of Social Amelioration Programs. While pedicab and tricycle drivers are eligible to apply for DOLE’s TUPAD for informal workers and may also receive cash from their own LGUs (whose amount is usually lower than the Php5,000 to Php8,000 assistance given by the DSWD to other drivers), there is no clear guarantee that none of them would not fall through the cracks.

- *Data on Testing:* As of May 13, 2020, a total of 139,379 tests have been conducted on 184,857 individuals. While we laud the DOH in giving a daily update on the number of tests conducted, we hope to see, as we have requested for several weeks now, a more granulated data on expanded testing (e.g. regional distribution, age, gender, pre-existing conditions), which can provide an accurate picture of the spread of COVID-19. We wish to emphasize that our request is not for a patient-level dataset, and therefore should not violate the Data Privacy Act.
3. **We also hope that the appropriate government agencies can provide an analysis or tracking of COVID-19 deaths in the country and make sure that our figures are not underestimated.**
- As of May 19, 2020, a total of 837 deaths due to COVID-19 have been recorded in the DOH portal, of which 456 or 54.48% are posthumous results. Considering that the reported deaths do not cover those that were not tested to begin with, it is imperative to look into deaths of patients with suspected and probable cases and account for potential underreporting.

Assistance to Affected Sectors

4. **We hope to know how DSWD will roll out the second tranche of the emergency subsidy and ensure 100% distribution at the soonest time possible**
- As of May 15, 2020, a total of Php101.42 billion have been distributed to 17 million beneficiaries. This represents 94.4 percent of the target 18 million households. We also wish to know the reason why some regions have not been able to fully distribute the subsidy, despite the extension of the deadline for the distribution of the first tranche of SAP to May 10, 2020. For example, BARMM has only distributed 47.48% of the emergency subsidy to its beneficiaries.
5. **We also hope to know in the succeeding Bayanihan Reports how many Local Government Units (LGUs) have liquidated their payouts, as this will determine the delivery of the second tranche of the emergency subsidy.**
- The DSWD informed the Senate on May 19 that it can only download the second tranche of the emergency subsidy after the LGUs have submitted their liquidation reports on the distribution of the first tranche of the emergency subsidy.

Assistance to Workers

6. We seek again an explanation on why there appears to be a slow progress in the distribution of assistance to drivers, with only 68.92% of target beneficiaries in NCR given subsidy. We also wish to know why only the driver-beneficiaries from NCR were included in the 90,000 target beneficiaries of the SAP for Drivers.

- While we laud the DSWD and LTFRB in finally achieving a progress in the distribution of SAP for drivers (after reporting a 44.9% accomplishment report for four consecutive weeks), we hope to have an explanation on why the distribution of subsidy remains slow.
- We also note that while the Bayanihan Reports provide a target of 90,000 drivers in NCR, LTFRB has reported on its Facebook page that it has actually submitted 393,662 names for validation by the DSWD as of April 26, 2020.⁶
- Among our questions include: What factors are mainly responsible for the delay in delivering the subsidy to the drivers? What database, if any, was the basis for the 90,000 target TNVS/PUVs beneficiaries in the first place? Why is the target limited to drivers in NCR only? What process has been followed to validate the list, or add more beneficiaries to it? What is the expected turn-around time for the validation to be finished?

7. We reiterate our call to DBM to augment the funds for the assistance programs of the DOLE.

- According to DOLE, as of May 14, 2020, over 409,020 OFWs have already applied for financial assistance under DOLE's CAMP-AKAP Program. This number far exceeds its original target beneficiaries of 150,000. Given this, it is imperative that DOLE's budget for these affected OFWs should be augmented.
- We also hope that DBM will continue to augment DOLE's funds for its other programs to be able to provide assistance to those who have not been granted assistance under DSWD's SAP or DOF's SBWS Program.

⁶ <https://www.facebook.com/lfrb.central.office/photos/a.1416260738615850/2597540213821224/?type=3&theater>

SAP for MSMEs and Productive Sectors

8. **We hope to know how the government seeks to give assistance to the rest of the 750,000 target beneficiaries of the SBWS Program. We also wish to know the next plan of action of the government in supporting and reviving the economic activity of MSMEs.**
 - According to the 8th Bayanihan Report, the government has released Php20.4 Billion cash grants to 2.65 million employee-beneficiaries under the SBWS Program (out of the 3.4 million target beneficiaries). Considering that the second tranche of subsidies should have already started as of May 16, we wish to know how DOF/SSS hope to reach their target beneficiaries. We also wish to be updated on the status of the distribution of the 2nd tranche of pay-outs.
 - Moreover, considering that MSMEs have been severely affected by the lockdown, we wish to know how the government plan to help MSMEs continue their businesses, and for them to retain their employees. We understand from Acting Secretary Karl Chua that the employer-beneficiaries under the SBWS Program were only required to keep their employees, as a condition for receiving the wage subsidy, during the time of the lockdown. Thus, it is probable that post-ECQ, many employees will be out of jobs.

Assuring the Quality of PPEs

9. **We would like to seek assurance from the government that the quality of the PPEs it has bought has been tested properly, and that the FDA has properly tested and certified all PPEs that come into the country. We have received reports that some of the PPEs given to hospitals have poor quality.**

Testing of Employees Returning to Work

10. We hope that the government will be able to give assurance to employers and employees that proper government assistance with regard to testing employees will be given, especially as most of the country shifts to General Community Quarantine.

- While we agree that testing should be done on employees, we wish to reiterate our recommendation that a sectoral approach policy in the gradual lifting of lockdown should be coupled with regular random testing of employees. Thus, testing should not be done only once, but should be done regularly based on random sampling.
- We also humbly request that the government step in in providing sufficient assistance to the employers (through PhilHealth subsidy in the testing of employees or zero interest loans) for the cost of testing. We note that most employers are cash-strapped at the moment, coming from a two-and-a-half month slowdown or temporary closure of business. We are concerned that making the employers fully responsible for the cost of testing may have deleterious effects on their survival.
- We also hope that the relevant government offices would clarify their guidelines on the testing of employees, and mandate that testing of employees shall be mandatory and it shall be regular (not a one-time thing), but only a sample of the returning employees needs to be tested. In this regard, we note that while the Guidelines on Workplace Prevention and Control of COVID-19 issued by DTI and DOLE provides that “[e]mployers **may** test workers for COVID-19,” the guidelines issued by DPWH⁷ provides that “[c]onstruction personnel **shall** be required to undergo any available COVID-19 test.”

⁷ DPWH Department Order No. 25, series of 2020 dated May 4, 2020.

Health Human Resource

11. The threat of COVID-19 infection that our health frontliners face remains to be alarming. With the expected increase in cases (partly due to the gradual easing of restrictions), we hope to see a more concrete plan to reduce such risks.

- As of May 17, the DOH reported that there had been 2,314 healthcare personnel infected by COVID-19.⁸ This constitutes 18.6% of the total cases in the country, which is significantly higher compared to the infection rate of 2-3% for healthcare workers in the Western Pacific Region.⁹ While we understand that DOH believes that this is not due to lack of PPEs, but partly due to wrong practices by healthcare workers after their shifts, and to community transmission, DOH should intensify its information dissemination protocols to properly inform the healthcare workers of the correct protocols to be followed after their duty, and to provide lodging to healthcare workers to avoid community transmission. In any case, DOH should also ensure that PPEs are delivered promptly to healthcare facilities, as there are reports that hospitals are already resorting to recycling their PPEs due to lack of supply.
- We also note that most healthcare workers are already experiencing fatigue due to the pressures and stress in dealing with the pandemic. We hope to know what is the healthcare worker to COVID-19 patient ratio in various hospitals in the country, and the status of the hiring of additional healthcare workers.
- We also wish to reiterate our comments in previous Bayanihan Reports that DOLE/POEA and DOH should coordinate with each other so that stranded healthcare workers who were supposed to go abroad (but whose deployments were suspended due to the pandemic) will be properly connected to DOH and be hired as temporary healthcare workers pending the lifting of the deployment ban.¹⁰

⁸ covid19stats.ph/stats Accessed May 13, 2020

⁹ <https://www.cnn.ph/news/2020/4/22/COVID-19-frontliners-healthcare-workers-coronavirus.html>

¹⁰ Currently, only healthcare workers who have been granted Overseas Employment Certificates as of March 8 are allowed to go abroad.

The Shift of Higher Education Institutions to Flexible Learning

12. **We hope that the Commission on Higher Education (CHED) will closely coordinate with the National Telecommunications Commission (NTC), on the list of credible online repositories of educational resources which would be made available to higher education students.**
 - We understand from the 8th Bayanihan Report that CHED has requested the NTC for zero-rated internet access to online repositories of educational resources to enable higher education students to access education resources on their own time, as well as to facilitate the shift to flexible learning.

Infrastructure Development Projects of the State Universities and Colleges

13. **We call on DBM to reconsider discontinuing the appropriations for capital outlays of all State Universities and Colleges (amounting to Php17.93 billion), since doing so would be detrimental to their goal of improving the quality and culture of research and development in SUCs.**

Quarantine Protocols

14. **We laud the efforts of the government in improving the quality and quantity of quarantine facilities. However, there remains to be questions as to the administration of quarantine protocols.**
 - We hope that there is a clear delineation of duties among the Overseas Workers Welfare Administration (OWWA), DOH, Bureau of Quarantine (BOQ), Department of Tourism (DOT) and other government agencies in the management of privately commissioned quarantine facilities. More specifically, returning Overseas Filipino Workers (OFWs) should be guided on which agency they should coordinate with before, during and after undergoing the 14-day mandatory quarantine.
 - Moreover, there have reports that some OFWs (who later tested positive) left their quarantine facilities. We hope to have an update on this, and whether they have been properly monitored and their contacts traced. We also seek an assurance from the concerned government agencies that such incident will not happen again, and the steps they are undertaking to implement proper quarantine protocols.

Wage Reduction Schemes

15. We hope that DOLE will review and reconsider Section 5 of Labor Advisory No. 17 providing the guidelines on employment preservation upon the resumption of business operation.

- On May 16, DOLE issued DOLE Advisory No. 17 allowing employers and employees to temporarily agree on adjusting wage and wage-related benefits for a maximum period of six months, but subject to review and renewal.
- While we note that the provision requires that the employers and employees agree in writing to such wage reduction, there is no clear grievance mechanism in the Labor Advisory providing for the remedies in case the employees feel that they have been coerced to agree to the wage reduction. We recognize that in most cases, the employers and the employees do not stand on the same footing with respect to their negotiating power. It is entirely possible that an employee (fearing loss of his job) may likely agree to the wage reduction against his will. Thus, we hope that DOLE will review (if not scrap) this provision, and provide a grievance mechanism regarding this.
- Aside from the grievance mechanism, DOLE should rethink the provision allowing renewal of the agreement, especially since no maximum period has been set in the Guidelines. Thus, it is also possible that a wage reduction agreement with an original period of six months, may be renewed ad infinitum, absent any clear language in the Advisory.
- Moreover, we hope to get the commitment of DOLE to continue with the OSH and General Labor Standards inspections to ensure that the labor rights of the employees are duly protected.

Summary of Unaddressed Comments and Recommendations

1. We also wish to convey our disagreement to the decision of the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-EID or Task Force) on classifying the Philippine Offshore Gaming Operators (POGOs) as members of the BPO sector.
 - Consistent with our earlier recommendation to adopt a sectoral policy in gradually lifting the lockdown, it is our humble opinion that POGOs not only do not have significant contribution to the economy, they also pose serious threat to our country's efforts to flatten the curve of transmission of SARS-COV-2. Thus, allowing them to re-open at this time, when there is still very little testing done, is ill-advised.
 - Based on our hearings in the Senate, we have discovered the following alarming facts about the industry:
 - The POGO industry has not benefitted Filipino workers, and has made very little, if at all, impact in curbing the rate of unemployment in the Philippines. Based on the data submitted to our office, only about two in every 10 jobs in POGOs are held by Filipinos.¹¹
 - The POGO industry has very little contribution to the country's Gross Domestic Product (GDP), having only Php7 billion in net financial inflows (or 0.04% of GDP) from 2017 to 2019. In contrast, it owes the country around Php50 billion in unpaid taxes, which is 3.6 times more than the Php14 billion taxes and fees the industry paid in 2019.
 - The influx of POGOs has resulted in rising criminality, including prostitution, and increased threat of money laundering, among others. For example, of the total 1,338 foreign nationals deported from the country in 2019, 733 are fugitives who are mostly involved in POGO operations in the country. Around 10 raids have also been conducted in prostitution dens catering mostly to POGO workers.
 - The POGO industry has not been traditionally considered as part of the BPO industry. Unlike POGOs, BPOs generate local employment. In 2019, the BPO sector employed 1.33 million full-time equivalent workers, and generated USD22.4 billion in revenues.
 - On May 5, 2020, we sent a letter to IATF-EID, thru Secretary Duque, regarding this matter. Unfortunately, 15 days after our letter, we have not received any response from the Task Force.

¹¹ Note, however, that we entertain some doubts as to the veracity and accuracy of the reports submitted by PAGCOR due to the fact its reports do not tally with the figures reported by other agencies, such as the DOLE and the POGO Task Force.

2. To reduce the risk of spread of COVID-19 upon implementation of General Community Quarantine (GCQ), we recommend that DOLE coordinate and monitor all establishments, especially those that recorded poor compliance with Occupational Safety and Health Standards (OSHS) in the most recent DOLE inspections, and ensure that they are aware of the proposed protocol for screening employees and visitors. We also hope that DOLE will provide a clearer set of guidelines on the safety and health protocols that must be adhered to at this time.
3. As of the 6th Bayanihan Report, the Tertiary Education Subsidy (TES)¹² funds of only 33 out of 106 State Universities and Colleges (SUCs) and 18 out of 60 Local Universities and Colleges (LUCs) have been processed. We hope that the Commission on Higher Education (CHED) can fast track the disbursement of the said funds and assist higher education institutions that have difficulty completing the submission of their documents due to the ongoing lockdown.
4. In basic education, considering the recent announcement that the next school year has been set on August 24, 2020, we hope to see an outline of what the Department of Education (DepEd) plans to do (including the timeline) to ensure that issues with alternative learning systems, such as lack of access to internet and computers by some students, would not hamper the delivery and effectiveness of education.
5. We also hope to know the status of preparedness of HEIs, students and faculty to shift to online modes of learning in light of the continuing threat of COVID-19. Likewise, the quality of the internet connectivity in the country must also be studied to determine the feasibility and reliability of such resorting to such mode of learning. In this regard, we are glad that the CHED and DICT are already talking about this, but we still hope to get a clearer picture on the arrangements that they have agreed upon in the coming days.

¹² TES is an additional stipend given to students in SUCs/LUCs who are in the Listahanan 2.0 of the DSWD